IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 17034 OF 2005

Dated : 2nd August, 2005

Between:

Lingala Eswaramma

Petitioner

AND

The Pulivendula Municipality,

Pulivendula, Cuddapah District,

Represented by its Commissioner and two others.

Respondents

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 17034 OF 2005

ORAL ORDER:

The petitioner seeks writ of mandamus to declare the action of the respondents in trying to demolish a portion of the premises bearing D. No.3/248, JK Road, Pulivendula, Cuddapah District, as illegal and arbitrary.

It is the case of the petitioner that she is the absolute owner and possessor of the premises bearing D. No. 3/248, JK Road, Pulivendula and the first respondent Municipality is formed in the month of May, 2005. The first respondent issued notice dated 30.6.2005 in the name of her husband, mentioning the area being covered for road widening and directed the petitioner to handover the area within seven days. The said action of the respondents is without any notice or initiation of land acquisition proceedings. Therefore, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Roads and Buildings.

The issue involved in this writ petition is no more *res integra* in view of the guidelines issued by a Division Bench of this court in *Pilli Lakshmana Rao and others Vs. Executive Officer, Gram Panchayath, Challapalle and others ()*, wherein it is held that when any property is required for public purpose, the authorities straightaway cannot take the law into their hands and jump into the premises and attempt to evict the occupants or dispossess them or demolish their property. Before taking any such action, the authorities concerned shall issue a notice notifying as to the nature of the property, the purpose for which it is required, to whom it belongs and the action proposed calling for explanation or objections, if any, from the occupants and after considering the said objections or explanation, the authorities shall pass appropriate orders.

Having regard to these guidelines, the respondents are directed to follow the guidelines issued in *Pilli Lakshmana Rao* case, if they

intend to demolish the dwelling houses of the petitioners, as averred in the affidavit, if not already demolished.

With these directions, the writ petition stands disposed of. No order as to costs.

Elipe Dharma Rao, J.

August 2, 2005

MAS.